



Minutes
City of Burlington Plan Commission
October 13, 2015, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Tom Vos and Todd Bauman; Commissioners Darrel Eisenhardt and Andy Tully were present. Commissioners John Lynch and Chris Reesman were excused.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved, and Alderman Vos seconded to approve the minutes of September 8, 2015. All were in favor, and the motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from Mike Lewandowski for property located at 996 S. Pine Street to construct a building for marine equipment sales and services.

- Mayor Miller opened the Public Hearing at 6:31 p.m.
- There were no comments.

Alderman Vos moved, and Alderman Bauman seconded to close the Public Hearing at 6:32 p.m. All were in favor and the motion carried.

OLD BUSINESS

A. Consideration of a Conditional Use application from Mary Ann Sander for property located at 160 W. Chestnut Street for the operation of a tattoo and body piercing studio that was tabled at the September 8, 2015 meeting.

- Mayor Miller opened this item for discussion.
- Mayor Miller stated Mary Ann Sander filed a new Conditional Use application and then decided to withdraw her second application; however, the commission must vote on the original Conditional Use Permit tabled at the September 8, 2015 meeting.

- Charles Hinds, 35147 Lakewood Drive, Burlington, stated he felt the City was giving false information about him to the public after he had gracefully stepped out of the business. Mr. Hinds stated it is wrong to deny a permit to someone who had no knowledge of the activity going on in the building.
- City Administrator Walters stated Ms. Sander wrote in her email that she chose to withdraw her application and close her business October 12, 2015. Alderman Vos stated the commissioners gave her time to reapply, which she did, and was her choice to withdraw that application.
- There were no further comments.

Commissioner Tully moved, and Alderman Vos seconded to deny the original Conditional Use application that was tabled at the September 8, 2015 meeting.

All were in favor and the motion carried.

NEW BUSINESS

A. Consideration to approve a Conditional Use and Site Plan application from Mike Lewandowski for property located at 996 S. Pine Street to construct a building for marine equipment sales and services.

- Mayor Miller opened this item for discussion.
- Greg Dziedzic, director of Pinno Builders, and Mike Lewandowski, property owner, stated they would like to get approved for the Conditional Use Permit for the marine sales since it is currently zoned as M-1, which does not specify any marine sales. Patrick Meehan stated the dimensions were incorrect in reference to the off-street parking. Mayor Miller stated in Kapur & Associates' memorandum since the project is in excess of 40,000 square feet it will require a storm water management. Commissioner Tully verified that the two buildings in the back are planned for a future build and questioned if boats will be stored outside. Mr. Lewandowski replied the boats will be outside in a fenced area. Commissioner Tully stated the building is 38 feet from the road and will be at the entrance to the City and would like to see a brick façade facing the road instead of a pole barn. Mr. Dziedzic stated that it could be accomplished. Commissioner Eisenhardt asked what the color of the building will be and Mr. Dziedzic replied that has not been determined.
- Mr. Dziedzic questioned if the sewer and water connection is on the opposite side of the highway. Gregory Guidry stated it is on the opposite side. Mayor Miller stated there will be no exemption for putting in septic and well water connection. Mr. Lewandowski was questioning how Kapur & Associates calculated 40,000 square feet when the two future buildings, not including the two cold storage buildings, are only 4,800 square feet. Patrick Meehan stated he is assuming the calculation came from the lot size. Patrick Meehan also stated the old plans had the future driveway marked and the existing driveway, but the new plans have a 24-foot wide driveway off of S. Pine Street. Patrick Meehan stated he does not see a driveway access easement joining the two properties. Mr. Dziedzic stated the existing driveway was serving both properties and there will be a driveway accessing S. Pine Street.

Mayor Miller stated according to Kapur & Associates' memorandum the plans shall include a detailed driveway entrance. Mayor Miller stated there is an easement that covers Mr. Schneider's property located at 988 S. Pine Street to the old feed mill and wanted to know if there was an easement that continued onto the property located at 996 S. Pine Street when the two properties were split. Alderman Vos commented it might be beneficial to have the same ingress and egress access, since the taekwondo studio is for sale there might be an issue in the future. Commissioner Tully stated there is principle called "overburdening of an easement", a brand new easement must be drafted between the three properties if the easement will be shared. Mr. Lewandowski stated he wants the driveway on his property and would get rid of the little driveway to share an easement 12 feet in either direction.

- There were no further comments.

Alderman Vos moved, and Commissioner Eisenhardt seconded to recommend a conditional approval of a Conditional Use and Site Plan to construct a building for marine sales and services contingent on coming back in December for final approval with complete plans, drawings and an easement for the driveway, subject to Patrick Meehan's September 30, 2015 and Kapur & Associates' October 5, 2015 memorandums to the Plan Commission as follows:

- The City Zoning Ordinance does not provide a parking standard for marine sales types of uses. However, Section 315-48(J) of the City Zoning Ordinance indicates that: ". . . In the case of conditional uses, parking spaces for conditional uses not listed in Table 5 shall be provided in accordance with requirements designated by the Plan Commission upon recommendation of the City Planner and as may be required by the Common Council. . . ." Since the boats for sale on the subject property would be located in both the porch and enclosed building areas totaling 3,968 square feet of boat sales area (a type of storage area for very large items), Meehan & Company, Inc. recommends to the Plan Commission that a variation of the off-street parking standards set forth for warehouse uses in Table 5 of the City Zoning Ordinance be used as follows: 0.5 parking space per 1,000 square feet of floor area, plus 1 space per employee. This would be a minimum of 2 spaces for the 3,968 square feet of boat sales plus another 2 spaces for the two proposed employees, and one space for persons with disabilities and totaling a minimum of five off-street parking spaces. The applicant's "Site Plan (Plat of Survey)" indicates the provision of a total of eight off-street parking spaces inclusive of one space to accommodate persons with disabilities which meets the City Ordinance.
- Section 315-48(A) of the Zoning Ordinance, the minimum required driveway width to serve the proposed use is 24 feet. The applicant proposes one "future drive" with a width of only 19 feet. As indicated earlier in this memorandum, the subject property is proposed to use the existing, approximate 16-foot wide, shared driveway located contiguous to the abutting property at the northwest corner of the subject property until such time as the future driveway is constructed. However, no time frame for the construction of the proposed future driveway is provided by the applicant. Also, based upon Meehan & Company, Inc.'s September 21, 2015 telephone discussion with the applicant's Land Surveyor, Robert J. Wetzel, no share driveway access easement exists between the subject property and the northerly abutting property for this driveway to be shared by both property owners. Based upon the foregoing, Meehan & Company, Inc. recommends that the proposed

"future drive" be constructed at the City Zoning Ordinance required width of 24 feet in conjunction with the construction of the proposed parking lot which it is to serve. It is further recommended that the driveway location be reviewed and commented upon by the City Engineer regarding the safety and transportation engineering issues of its design and proposed location. A revised "Site Plan" shall be submitted to the City staff for review for compliance with these issues prior to the issuance of a Conditional Use Permit.

- Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a double row and aisle of 60 degree parking spaces needs to be a minimum of 62 feet in width. The proposed "Site Plan (Plat of Survey)" indicates a double row and aisle of 60 degree parking spaces which are only 60 feet in width and not the required 62 feet in width. Therefore, it is recommended that a revised "Site Plan" shall be submitted to the City staff for review for compliance prior to the issuance of a Conditional Use Permit. [Note: Adequate space is available on-site in order to meet this requirement.] Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking areas serving five (5) or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times. Section 155-27 requires access roads and fire lanes to be a minimum width of 30 feet. These requirement shall be met prior to the issuance of an Occupancy Permit.
- As required of Section 315-137(C)(6), the existing and proposed topography shall be indicated on the "Site Plan" and the existing and proposed topography shown at a contour interval of not more than two feet at main sea level.
- As required of Section 315-137(C)(15), proposed sanitary sewers, storm sewers, and water mains shall be indicated on the "Site Plan" including existing and the general location of proposed sanitary sewers, storm sewers (including direction of flow), water mains, and fire hydrants noted on the site plan. All locations for the proposed connections to such utilities shall be indicated on the "Site Plan." As required of Section 315-137(C)(16), the location of any proposed storm-water management facilities, including detention/retention area(s) shall be noted on the "Site Plan." It shall indicate how the planned storm-water drainage system meets the requirements of the City's storm-water management plan. The project appears that it may be in excess of 40,000 square feet and will require storm water management due to increase in runoff generated from the additional impervious areas. The project will need to address storm water quality and release rates. Applicability for storm water management practices follows Chapter 270-5 of the Burlington City Code which requires post construction storm water management for a development site having a gross aggregate area of 40,000 SF or more. It is recommended the submittal of a detailed grading plan, site plan, paving plan, utility plan and all associated details. The plans shall show all dimensions, pavements, walks, grades, contours, erosion control locations, storm-water management, any proposed utilities, utility connections, detail driveway connections, all materials, lengths and restoration.

- As required of Section 315-137(C)(26), the location of all existing and proposed easements shall be shown on the "Site Plan," including access easements, utility easements, and all other easements.
- If any outdoor lighting is proposed in the future, outdoor lighting data is required which indicates location, type, and illumination level (in foot candles), meeting the requirements of Sections 315-30(H) of the City Zoning Ordinance. If lighting is planned, it is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-30(H) and 315-137(C)(25) of the City Zoning Ordinance.

All were in favor and the motion carried.

B. Consideration to recommend approval to the Common Council of a Rezone Map Amendment application from Jon Thorngate for property located at 457 Milwaukee Avenue to rezone from B-1 Central Business District to I-1 Institutional District.

- Mayor Miller opened this item for discussion.
- Jon Thorngate, applicant, stated the church started with 15 people and has grown to service 250 people. He would like to be a part of the community and also feels it will be good for Burlington. Mr. Thorngate stated the building will be restored to a historical brick façade to give it some character. Mayor Miller stated there might be problems when removing the paint since there are specific ways it can be done. Mr. Thorngate stated he was well aware of the issue.
- There were no further comments.

Alderman Vos moved, and Commissioner Tully seconded to recommend approval for a Rezone Map Amendment, subject to HPC's overview and Patrick Meehan's September 30, 2015 memorandum to the Plan Commission as follows:

- The proposed comprehensive plan amendment is consistent with the goals, objectives, and policies of the plan.
- The proposed comprehensive plan amendment is compatible with surrounding urban land uses when not only considering the abutting, existing land uses but also when considering the specific types of uses currently located in the vicinity of the subject property.
- The proposed comprehensive plan amendment will enhance economic development within the City and County through the continued use of existing, developed, real property in the City.
- The proposed comprehensive plan amendment is in substantial agreement with the recommendations of the regional land use plan since the regional plan calls for urban type development in the area.

- That all of the subject property located at 457 Milwaukee Avenue currently shown as zoned in the B-2 Central Business District be rezoned by the Common Council into the I-1 Institutional District zoning classification.

All were in favor and the motion carried.

C. Consideration to approve Resolution No. 21 to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 457 Milwaukee Avenue.

- Mayor Miller opened this item for discussion.
- There were no comments.

Alderman Vos moved, and Alderman Bauman seconded to recommend approval of Resolution No. 21 to amend the Racine County Multi-Jurisdictional Comprehensive Plan.

All were in favor and the motion carried.

ADJOURNMENT

Alderman Bauman moved, and Commissioner Eisenhardt seconded to adjourn the meeting at 7:27 p.m.
All were in favor and the motion carried.

Recording Secretary
Kristine Anderson
Administrative Assistant